

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

HAYLEY HESSEL, by her next friend
JOHN HESSEL

Plaintiff,

V.

ADELAIDE HORN, in her official capacity as COMMISSIONER, TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES, *et al.*,

Defendant.s

CIVIL ACTION NO. H-07-0581

ORDER OF DISMISSAL

Counsel for the parties have advised the court that an amicable settlement has been reached in this action. It is ordered that this cause be dismissed on the merits, without prejudice to the right of counsel to move for reinstatement within 90 days upon presentation of adequate proof that the settlement could not be consummated. It is further ordered that all motions currently pending are denied without prejudice. Any movant seeking to resubmit or reurge those motions must do so within 10 days from the date any motion for reinstatement is filed.

The court appreciates the prompt notification of settlement.

SIGNED on January 9, 2009, at Houston, Texas.

Lee H. Rosenhan

Lee H. Rosenthal
United States District Judge